

REMARKS

This is in response to the Office Action mailed on May 18, 2007. With this Amendment, claims 1, 8, 15, 17, 24, 31 and 38 are amended.

Claim Rejections - 35 U.S.C. §102

In the Office Action, claims 1-3, 5, 8-10, 12, 15-19, 21, 24-26, 28, 31-33, 35, 38-40, and 42 were rejected under 35 U.S.C. § 102(b) as being anticipated by Huebsch et al. (U.S. 5,853,422). Specifically, the Office Action states that Huebsch et al. discloses, "an occluding body (200) with a fixed center post (232), and a floating center post (218) having a grasping knob (242), a plurality of puller arms (222), [and] first and second support frames (222)..."

With this Amendment, independent claims 1, 8, 17, 24, 31 and 38 have been amended to clarify the way in which first and second plurality of arms are attached to center post (or center section). This distinction helps to describe the overall structure of the occlusion device of the present invention. Specifically, claim 1 has been amended to clarify that the present invention is an occlusion device comprising a center post, a first occluding body comprising "a first plurality of arms attached to the center post at radially innermost ends" and "a second occluding body comprising "a second plurality of arms attached to the center post at radially innermost ends". A plurality of puller arms are "attached to the first occluding body for collapsing the first occluding body from a radially open state to a radially collapsed state." A floating center is "located at a proximal end of the occlusion device and connected to the puller arms at a position proximal to the first and second occluding bodies." Additionally, a grasping knob is "located on the proximal end of the floating center, wherein the floating center is positioned adjacent the center post when the first occluding body is in its radially open state, and is movable away from the center post by force applied to the grasping knob in a proximal direction to cause the puller arms to radially collapse the first occluding body."

Claim 8 has been amended to clarify that the occlusion device includes "first and second occluding bodies comprising first and second collapsible support frames, respectively,

each support frame comprising a plurality of support arms attached at radially innermost ends to a center section which extends to a distal end of the occlusion device." The first occluding body is "positioned proximal to the second occluding body". Additionally, claim 17 has been amended to clarify that the right and left elastic shape memory fixation devices each comprise "a plurality of arms attached to the center section at radially innermost ends such that each fixation device extends radially outward from the center section." Similarly, claim 24 has been amended to clarify that the first and second occluding bodies each comprises "a plurality of arms attached to the center post at radially innermost ends" such that the first and second occluding bodies extend "radially outward from the center post". The first and second occluding bodies also include first and second sheets, respectively. Finally, claims 31 and 38 have also been amended to clarify that the first and second sets of support arms (or the first and second collapsible support frames) are attached to the center post "at radially innermost ends".

As a result, independent claims 1, 8, 17, 24, 31 and 38 have essentially been amended to reflect that the occlusion device of the present invention comprises two occluding structures, which each comprise a plurality of arms attached at their "radially innermost ends" to the center post (or section). A floating center is attached to a plurality of puller arms, which are attached to the first occluding body. A grasping knob, located on the proximal end of the floating center, allows the puller arms to radially collapse the first occluding structure in an when force is applied to the grasping knob in a proximal direction. In this way, the occlusion device may be collapsed into a catheter because once the first occluding structure is folded (by the application of force to the puller arms) and pulled into the catheter, the second occluding structure will fold in an opposite direction, which allows the entire device to be inserted into the catheter. Pg. 8, ll. 26-20; Pg. 9, ll.1-5.

In contrast, the structure of the occlusion device disclosed in Huebsch et al. does not meet all the limitations of independent claims 1, 8, 17, 24, 31 and 38. Specifically, the Huebsch et al. device does not include a first and second plurality of arms attached at their "radially innermost ends" to a center post.

As a result, independent claims 1, 8, 17, 24, 31, and 38 are not anticipated by Huebsch et al. Therefore, the rejection under 35 U.S.C. §102(b) should be withdrawn. It is respectfully submitted that claims 1, 8, 17, 24, 31, and 38 are patentable on their own merits and claims 2, 3, 5, 9, 10, 12, 15, 16, 18, 19, 21, 25, 26, 28, 32, 33, 35, 39, 40, and 42 are further allowable since they depend from a patentable independent claim. See M.P.E.P. 2143.03, citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988).

Claim Rejections - 35 U.S.C. §103

In the Office Action, claims 6, 7, 13, 14, 22, 23, 29, 30, 36, 37, 43, and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huebsch et al., in view of Forber (5,733,294). The Examiner states that Huebsch et al. discloses the invention substantially as claimed but does not disclose that the floating and fixed center posts are constructed of platinum-iridium. Forber discloses fixed and floating center posts constructed of platinum-iridium.

As described in detail above, independent claims 1, 8, 17, 24, 31, and 38 (from which claims 6, 7, 13, 14, 22, 23, 29, 30, 36, 37, 43, and 44 depend) of the present invention have been amended to further the overall structure of the occlusion device of the present invention. Huebsch et al. does not teach or suggest the invention as defined in the amended claims and Forber does not provide the missing disclosure. It is, therefore, respectfully submitted that the rejections under 35 U.S.C. § 103 should be withdrawn.

With the above amendments and discussion, claims 1-3, 5-10, 12-19, 21-26, 28-33, 35-40 and 42-44 are now in condition for allowance, and notice to the effect is requested.

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-14-

The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

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